

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-6464-JFW (AGR x)	Date	August 21, 2012
Title	Armando Velasco, et al. v. JPMorgan Chase Bank, et al.		

Present: The Honorable	Alicia G. Rosenberg, United States Magistrate Judge		
Marine Pogosyan			
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		

Proceedings: (In Chambers) RE PLAINTIFFS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND MOTION TO COMPEL PRODUCTION OF DOCUMENTS

On June 13, 2012, Plaintiffs Armando and Anabeht Velasco filed a motion to compel answers to Interrogatory Nos. 1-12 and a motion to compel production of documents responsive to Document Request No. 9. (Dkt Nos. 38-29.) The motions were set for hearing on August 20, 2012. (Dkt. No. 41.) No supplemental memoranda were filed. On August 16, 2012, the previous Magistrate Judge issued an order of recusal and vacated the August 20 hearing date. (Dkt. No. 42.) The matter was reassigned to this court. (Dkt. No. 43.) This court has determined that the pending motions are appropriate for adjudication without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15.

Plaintiffs allege that they "entered into an agreement to modify their home loan through the Home Affordable Modification Program (HAMP)" and "have complied in full with every provision of their HAMP modified loan agreement with defendants." (Complaint ¶ 1.) "Nevertheless, defendants have proceeded to foreclose on plaintiffs' home." (*Id.*) In the Joint Stipulation (JS), plaintiffs explain that they challenge the practice of "dual tracking," under which the bank's collection arm proceeds with collection efforts, including foreclosure, even though the loan has been modified and complied with. (JS at 1.)

Interrogatory Nos. 1-4

These interrogatories seek identification of "each residential homeowner in California" who has a home loan for which JP Morgan Chase Bank¹ was the beneficiary or the loan servicing entity from

¹ Defendants state that the entity is JP Morgan Chase Bank, N.A., erroneously sued separately as JPMorgan Chase Bank and JPMorgan Chase California Corporation. This court will refer to defendants as "JP Morgan Chase Bank."

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July 6, 2008 to the present.

Interrogatory Nos. 1-4 are overbroad. Plaintiffs argue that “[t]he identities of other mortgagees serviced by defendants, who may have been subject to similar violations of the CLRA, are undeniably relevant, or at a minimum likely to lead to the discovery of admissible evidence.” (JS at 7.) However, Plaintiffs have not alleged violations of the CLRA outside the HAMP loan modification program.² (Complaint, Seventh Cause of Action.) Accordingly, Plaintiffs have not made a showing that every residential homeowner in California with a Chase mortgage has personal knowledge of the practices at issue in this suit. Rather, defendants will be ordered to identify each residential homeowner in California who has a HAMP loan agreement that was serviced by JP Morgan Chase or for which JP Morgan Chase was the beneficiary during the period July 6, 2008 through the date of defendant’s written response to the interrogatories.

Interrogatory Nos. 5-6

These interrogatories seek identification of “each employee or other individual” who performed loan servicing functions for JP Morgan Chase Bank at any time from January 1, 2008 to the present.

Interrogatory Nos. 5-6 are overbroad. For the reasons discussed above, the responsive employees or individuals who can provide relevant evidence regarding the business practices that form the basis of Plaintiffs’ CLRA claims would be those involved in servicing HAMP loan agreements for JP Morgan Chase Bank from January 1, 2008 through the date of defendant’s written response to the interrogatories.

Interrogatory Nos. 7-8

These interrogatories seek identification of each entity that performed residential loan servicing functions for JP Morgan Chase Bank at any time from January 1, 2008 to the present.

Interrogatory Nos. 7-8 are overbroad. For the reasons discussed above, these interrogatories will be limited to identification of entities that performed residential loan servicing functions for HAMP loan agreements for JP Morgan Chase Bank from January 1, 2008 through the date of defendant’s written responses to the interrogatories.

² Defendants contend that Plaintiffs cannot state a claim under the CLRA. The district court denied Defendants’ motion to dismiss the complaint and found that “the issues raised by Chase are more appropriately resolved in a motion for summary judgment.” (Order, Dkt. No. 26.) Accordingly, the CLRA claim remains in this case for purposes of discovery at this stage of the proceedings.

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Interrogatory Nos. 9-12

Interrogatory Nos. 9-10 seek identification of all civil cases pending against JP Morgan Chase Bank in the Central District of California or Los Angeles County Superior Court that involve “allegations of breach of a loan modification contract.”

Interrogatory Nos. 11-12 seek identification of all civil cases pending against JP Morgan Chase Bank in the Central District of California or Los Angeles County Superior Court involving wrongful foreclosure.

Presumably, the term “pending” means pending at the time the interrogatories were served. Although JP Morgan Chase Bank incorporates its arguments in connection with Interrogatory No. 1, the issues are somewhat different. For the reasons discussed above, these interrogatories will be limited to the identification of civil cases pending, as of the date of service of the interrogatories, against JP Morgan Chase Bank in the Central District of California or Los Angeles County Superior Court that involve allegations of wrongful foreclosure in the context of a HAMP loan agreement, or allegations of breach of a HAMP loan agreement.

Document Request No. 9

This request calls for all documents that reflect Chase’s policies, practices or procedures from January 1, 2008 to the present in regard to servicing residential home loans in California.

This document request is overbroad. For the reasons discussed above, Document Request No. 9 is limited to nonprivileged documents that reflect Chase’s policies, practices or procedures in regard to servicing HAMP loan agreements in California from January 1, 2008 through the date of defendant’s written response to the document request.

IT IS HEREBY ORDERED that Plaintiffs’ motion to compel answers to interrogatories and motion to compel production of documents are GRANTED IN PART as set forth above. In all other respects, Plaintiffs’ motions are denied.

Initials of Preparer

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